

Remarks

In response to the restriction requirement of September 13, 2007, applicant elects provisionally, with traverse, group II, which encompasses claims 1 to 15 (in part) as drawn to morpholine compounds (i.e. R¹ and R² together with the N atom form a morpholino ring).

Applicant traverses the restriction requirement on the following grounds:

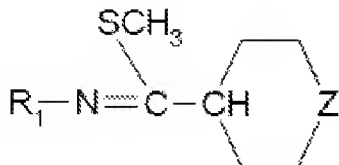
The Office expressed the opinion that groups I-VII lack the same or corresponding special technical feature.

The PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES (03/24/04) state that the inclusion of more than one invention in one international application is permitted if all inventions are so linked as to form a single general inventive concept (Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features.

Applicant directs the Office to, e.g., example 19 of the PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES, which is reproduced below (see also attached excerpt from the guidelines: p. 85-86):

“Example 19: common structure:

Claim 1: A compound of the formula:



wherein R₁ is selected from the group consisting of phenyl, pyridyl, thiazolyl, triazinyl, alkylthio, alkoxy, and methyl; Z is selected from the group consisting of oxygen (O), sulfur (S), imino (NH), and methylene (-CH₂-).

The compounds are alleged to be useful as pharmaceuticals for relieving lower back

pain.

In this particular case the iminothioether group -N=C-SCH₃ linked to a six atom ring is the significant structural element which is shared by all the alternatives. Thus, since all the claimed compounds are alleged to possess the same use, unity would be present.”

Applicant submits that the present case resembles that of example 19 of the guidelines, in that a common 4-(N-substituted amino)-2-butyryl-1-ester core structure is present. In addition, all claimed substances having this core structure are disclosed to have the common property of inhibiting abnormal cell growth (see, e.g., p. 6, paragraph starting on line 17).

In view of the above, traversal of the restriction requirement is respectfully requested.

Kindly direct all phone inquiries to Joyce von Natzmer at (301) 657-1282 (direct) or (212) 213-0135 (main).

The Commissioner is authorized to charge any fee deficiencies and overpayments to deposit account number 50-3135.

Respectfully submitted,

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